



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MCKEAN ET AL.

Examiner: Baker, P.

Serial No.: 09/671002

Group Art Unit: 2188

Filed: September 27, 2000

Docket No.: SJ0920000068US1

00501.0342-US-01

Title: METHOD AND APPARATUS FOR MIGRATING DATA HAVING A FORMAT OF A FIRST TYPE TO A FORMAT OF A SECOND TYPE

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

W. S. June 03

Name

Signature

RECEIVED

JUN 13 2003

Technology Center 2100

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- ☒ Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. §1.181
- ☒ Statement by Practitioner Regarding Failure to Receive Patent Office Communication, with copy of docket records
- ☒ Transmittal Sheet
- ☒ Return postcard

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest No. Previously Paid For	Extra Claims Present	Rate	Fees
Total Claims				X \$18.00	\$
Indep. Claims				X \$84.00	\$
Multiply Dependent Claims					\$
TOTAL FEES					\$

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC



Date: September 03 By: _____

Michael B. Lasky
Michael B. Lasky
Reg. No. 29,555
MBL/tmp



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Based on Failure to Receive Office Action
Under 37 C.F.R. §1.181**

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Dear Sir:

Applicant's Attorney of Record has received a *Notice of Abandonment* in the above referenced case. Applicant respectfully submits that the Notice of Abandonment was issued in error due to the fact that the Office Action was never received by Applicant's Attorney of Record. Applicant requests that the holding of abandonment be withdrawn. The details are as follow:

Discussion

On January 10, 2001, Applicant's attorney of record filed an Information Disclosure Statement, PTO Form 1449, references and a Request for Change of

Address, listing Altera Law Group, LLC, 6500 City West Parkway, Suite 100, Minneapolis, MN 55344.

Applicant's attorney of record is resubmitting a copy of the return postcard having a PTO date stamped thereon of January 12, 2002 as *prima facie* evidence of their receipt by the Patent Office.

On April 2, 2002, Applicant's attorney of record filed a Status Inquiry, inquiring the status of the above-identified patent application.

Applicant's attorney of record received a first Office Action dated April 25, 2002, listing Altera Law Group, LLC, 6500 City West Parkway, Suite 100, Minneapolis, MN 55344.

On June 26, 2002, Applicant's attorney of record filed an Amendment and Response Under 37 C.F.R. §1.111 and Proposed Drawing Change from the City West Parkway address.

On January 8, 2003, Applicant's attorney of record filed a Status Inquiry, inquiring the status of the above-identified patent application. The third sentence in the Status Inquiry specifically notes that our address is 6500 City West Parkway, Suite 100, Minneapolis, MN 55344-7704.

On April 23, 2003, per the request of the Examiner, Applicant's attorney of record faxed a copy of the Request for Change of Address, listing Altera Law Group, LLC, 6500 City West Parkway, Suite 100, Minneapolis, MN 55344, filed January 10, 2001, along with a copy of the return postcard having a PTO date stamped thereon of January 12, 2002 as *prima facie* evidence of their receipt by the Patent Office. At that time, the Examiner stated that he would reissue the Office Action.

Enclosed with this petition is a statement by the applicant's attorney of record indicating that the Office Action was never received. Also enclosed is a copy of the docket record showing docket entries for the date the non-received Patent Office communication would have been entered had it been received and docketed. See MPEP §711.03(c)II

Remarks

It is believed that this petition is timely filed under 37 C.F.R. §1.181(f) since the Notice of Abandonment was issued May 6, 2003.

Additionally, it is believed that a fee is not required for this petition since the petition was necessitated by Patent Office error. However, permission is hereby given to charge Deposit Account Number 50-1038 a petition fee if the Office deems that such fee is required.

For the above stated reasons, Applicant respectfully requests that the holding of abandonment be withdrawn and that notice of same be promptly transmitted to Applicant's Attorney of Record.

Respectfully submitted,

Altera Law Group, LLC



Date:

5 June 03

By:

Michael B. Lasky
Reg. No. 29,555
Direct Dial: 952.253.4106

MBL/tmp

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Date of Deposit: June 10, 2001

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Title: METHOD AND APPARATUS FOR MIGRATING DATA HAVING A FORMAT OF A FIRST TYPE TO A FORMAT OF
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- ☒ Information Disclosure Statement, Form 1449, copies of 9 (nine) reference(s)
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